

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HANNAH SABATA; DYLAN
CARDEILHAC; JAMES CURTRIGHT;
JASON GALLE; RICHARD GRISWOLD;
MICHAEL GUNTHER; ANGELIC NORRIS;
R. P., a minor; ISAAC REEVES; ZOE RENA;
and BRANDON SWEETSER; on behalf of
themselves and all others similarly situated;

Plaintiffs,

vs.

NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES; SCOTT
FRAKES, in his official capacity as Director of
the Nebraska Department of Correctional
Services; HARBANS DEOL, in his official
capacity as Director of Health Services of the
Nebraska Department of Correctional Services;
NEBRASKA BOARD OF PAROLE; JULIE
MICEK, in her official capacity as the Board of
Parole Acting Parole Administrator; and
DOES, 1 to 20 inclusive;

Defendants.

4:17CV3107

ORDER

This matter is before the Court on Plaintiffs' Motion for Appointment of Next Friend Per [Fed. R. Civ. P. 17\(c\)](#) ([Filing No. 2](#)). This is a purported class action lawsuit filed by several Nebraska prisoners against the above-named defendants for alleged violations of the Eighth Amendment, the Americans with Disabilities Act, and the Rehabilitation Act. ([Filing No. 1](#)). Plaintiff R.P. is a minor currently incarcerated in the Nebraska Correctional Youth Facility and is part of the purported class. R.P.'s parents are unable to serve as his next friend in this action, as his mother lives out of state and his father is traveling outside the United States for an indeterminate amount of time. R.P. requests appointment of a representative to pursue this action on his behalf. Upon review of the matter, the Court finds that a Guardian ad Litem should be appointed to protect R.P.'s interests during the pendency of this case, pursuant to [Fed. R. Civ. P. 17\(c\)](#) and ¶ II.A.1.c of [Amended Plan for the Administration of the Federal Practice Fund and the Federal Practice Committee](#). Accordingly,

IT IS ORDERED:

1. Plaintiffs' Motion for Appointment of Next Friend Per [Fed. R. Civ. P. 17\(c\)](#) ([Filing No. 2](#)) is granted.
2. David J. Tarrell, Attorney at Law, 1823 Harney Street, Suite 100, Omaha, Nebraska 68102, (402) 884-7770, is appointed as Guardian ad Litem to represent the interests of Plaintiff R. P., a minor, during the pendency of this action or until further order of the Court.
3. The Clerk of Court is directed to mail copies of this Order to Mr. Tarrell at the address listed above.
4. Upon receipt of this Order, Mr. Tarrell shall enter his appearance on behalf of Plaintiff R.P.

Dated this 24th day of August 2017.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge